



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 6497-99
18 April 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your deceased spouse's naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum PERS 821D 224-52-1321 of 17 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

PERS821d
224-52-1321
17 Mar 00

From: Supervisor, Disability Retirement Section PERS821d
To: PERS-00

Subj: BCNR CASE ON [REDACTED] USN, RETIRED

1. Disposition of BCNR case submitted to this office.

[REDACTED] was placed on the Temporary Disability Retirement List (TDRL) 1 February 1959. He subsequently was issued a Notification of Decision by the Physical Evaluation Board (PEB) placing him on the Permanent Disability Retirement List (PDRL) with a 10 percent disability rating. He elected his retirement pay be computed based on active time served, which was in excess of 20 years. This election was monetarily more beneficial than the 10 percent disability rating given by the PEB.

The rank of Captain was only given to him as an honorary title based on being awarded the Silver Star. This does not entitle him to pay at the rank of Captain.

Further information concerning the requested corrections of error or injustice should be directed to the Defense Finance and Accounting Service, Cleveland, OH.



HOLLY BULLARD